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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,589	06/21/2001	Victor Michael Gentile	14,844.1	6355
23556	7590	10/06/2003	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			PRATT, CHRISTOPHER C	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,589

Applicant(s)

GENTILE ET AL.

Examiner

Christopher C Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments and accompanying remarks filed 6/26/03 have been entered and carefully considered. Applicant's arguments are found to overcome the 112 indefinite rejection of claim 1 because the specification sufficiently describes the term exceptional expansion properties. The double patenting rejection previous set forth is overcome by the Terminal Disclaimer. The previous rejection over Hanson, alone, is also withdrawn because Hanson does not teach any specific degree of compaction. Despite this advance, the amendments are not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below. This rejection is made nonfinal because the best prior art was not previously made of record.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (5998032) in view of Murji et al (5387385).

As set forth in the previous action, Hansen teaches an absorbent member comprising randomly oriented chemi-thermo-mechanical cellulose fibers. Hansen teaches densifying and compacting the absorbent member (col. 13, lines 29-33), but fails to teach a density and degree of compaction.

Murji teaches the creation of an absorbent member consisting of randomly oriented chemi-thermo-mechanical cellulose fibers (col. 4, lines 39-40 and col. 6, lines 50-51). Murji teaches absorbent members having applicant's claimed density (col. 1, lines 65-66) and the desirability of compacting an absorbent member (col. 3, lines 55-61). The skilled artisan would have been motivated to compact the pulp of Hansen to a density of .5 to 1 g/cc. Such a modification would have been motivated by the desire to improve the fluid absorption and structural stability of Hansen's absorbent member.

It is the examiner's position that Murji inherently teaches compacting to a compressing factor of at least about 45 because Murji teaches applicant's claimed density. If the compression factor is not inherently taught then it would have been obvious to a person having ordinary skill in the art to further compress the absorbent material. Such a modification would have been motivated by the desire to improve the wicking properties of the material.

Applicant argues that Hansen fails to teach hydrogen bonds between fibers. However, Hanson teaches that pulp fibers inherently have hydrogen bonding capability (col. 12, lines 59-60). Hanson further teaches that its web can have "substantial interfiber bonding (col. 13, lines 24)." Therefore, it is the examiner's position that Hanson's fibers inherently have fiber to fiber hydrogen bonds. The examiner also notes that Hanson utilizes the same fibers as applicant so that, if applicant's web inherently possesses fiber to fiber hydrogen bonds, the skilled artisan would reasonably expect Hanson's web to have fiber to fiber hydrogen bonds.

Applicant argues that the absorbent materials of the instant invention exhibit a greater affinity for absorbing water than the materials of Hanson. Applicant first attributes this to the fact that Hanson utilizes superabsorbent particles. It is the examiner's position that the addition of superabsorbent particles would not reduce the ability of a web to absorb water. To the contrary, the purpose of a superabsorbent polymer is to increase a web's absorbency (col. 13, lines 42-43). Hanson's specifically teaches the use of superabsorbents that are used to absorb water (col. 15, lines 39-40 and col. 36, lines 15-16). Moreover, Hanson teaches the addition of as little as .05% superabsorbent material (col. 16, lines 10-12). It is the examiner's position that such a small amount of superabsorbent material would not significantly alter the properties of Hanson's web and thus, both Hanson and the instant invention would have substantially the same properties.

Applicant also argues that the absorbent materials of the instant invention exhibit a greater affinity for absorbing water because of the fiber to fiber hydrogen bonds. As set forth above, it is the examiner's position that the web of Hanson inherently possesses fiber to fiber hydrogen bonds.

Applicant argues that according to the interview summary record the instant invention is distinguishable from the prior art in three ways. However, these three points were only a record of applicant's arguments. The examiner acknowledged that increasing the compression factor had the best potential of overcoming the previous rejection. Increasing the compression factor did, in fact, overcome the previous

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rejection. However, in response to the amendment, Murji is now cited against the claims.

With respect to the releasable dynamic force property of claim 24, it is the examiner's position that the absorbent material created by the combination of Hanson and Murji inherently has a force of at least 60psi. The examiner notes that expansion force is an inherent property dependant on the degree of compaction and that applicant's degree of compaction and density is rendered obvious by the combination of Hanson and Murji. Therefore, the skilled artisan would expect the combination to have similar expansion properties. The examiner also notes that Murji teaches that compacted pulp materials swell when wetted (col. 2, lines 7-12).

#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt  
September 25, 2003